UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,653	12/16/2003	Jefferson B. Burch	10030565-1	5350

7590   09/20/2005

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EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-34_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-34_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _16 December 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _01/30/04_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1 - 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Moran (US 6,757,543).

        Regarding **claim 1**, Moran teaches 1. A monitoring system comprising: a central

processing server (Fig. 1 & 5, element 12, Abstract), wherein said central processing

server performs one or more of (Abstract, C2, L8-10, C3, L19-22): issues measurement

requests for measuring conditions of a monitored area (Fig. 1, C3, L24-35), and

processes data received in response to said measurement requests (Abstract, C2, L1-

15, C15, L15-29, claim 23 and claim 49 reads on); a plurality of intermediate monitor

sites communicatably connected to said central processing server for relaying said

measurement requests (Abstract, Summary of the Invention, C13, L59-67 –C14, L1-8,

C15, L15-29); and a plurality of smart probes in communication with said plurality of

intermediate monitor sites for measuring said data in response to said measurement

request (C11, L50-67–C12, L1-12, C15, L15-29, and claim #20 & claim 49 reads on),

wherein each one of said plurality of smart probes determines a set of conditions for

said each one prior to said measuring (C6, L48-64).

Regarding **claim 2**. Moran teaches the monitoring system of claim 1, and further

teaches wherein said set of conditions comprises one or more of: availability of said

each one to take said measurement request (C1, L18-22, CC7, L62-65); capability of

said each one for taking said measurement request (claim #20, #38, #39 reads on); and

a configuration of said each one needed to take said measurement request (C1, L62-

67, C2, L1-15, C4, L44-51).

Regarding **claim 3**. Moran teaches the monitoring system of claim 1, and further

teaches wherein said central processing server further issues task requests for

influencing a condition of said monitored area and wherein said plurality of smart probes

perform tasks in response to said task request relayed from said plurality of

intermediate monitor sites (Claim #20 and claim # 49 reads on).

Regarding **claim 4**. Moran teaches the monitoring system of claim 3, and further

wherein said set of conditions comprises one or more of: availability of said each one to

perform said task request (C1, L18-22, CC7, L62-65); capability of said each one for

performing said task request (claim #20, #38, #39 reads on); and a configuration of said

each one needed to perform said task request (C1, L62-67, C2, L1-15, C4, L44-51).

Regarding **claim 5**. Moran teaches the monitoring system of claim 1, and further

teaches wherein said plurality of smart probes: generates a random participation

number for participating in one or more of said measurement request (Fig. 7, C14, L9-

21); compares said random participation number to a participation threshold (Fig. 7,

C14, L9-21, claim #5); and determines participation in said measurement request

according to said comparison (claim #25 to #30 reads on).

Regarding **claim 6**. Moran teaches the monitoring system of claim 5, and further

teaches wherein said participation threshold is weighted according to one or more of: a

number of participating ones of said plurality of smart probes; and an importance of said

measurement request (claim # 38 to #45 reads on).

Regarding **claim 7**. Moran teaches the monitoring system of claim 1, and further

teaches comprising: a transceiver disposed within said plurality of smart probes

(Abstract such as cellular phones, PDA), wherein said transceiver enables

communication between said plurality of smart probes (Abstract, C15, L15-30).

Regarding **claim 8**. Moran teaches the monitoring system of claim 7, and further

teaches wherein said plurality of smart probes exchange one or more of: select ones of

said set of conditions; and a participation state of said plurality of smart probes (C15,

L15-30, claim #38 reads on).

Regarding **claim 9**. Moran teaches the monitoring system of claim 1, and further

teaches comprising: a management computer disposed within said plurality of

intermediate monitor sites (Abstract, Summary of the Invention).

Regarding **claim 10**. Moran teaches the monitoring system of claim 9, and

further teaches wherein said management computer performs one or more of:

transmitting measurement requests to select ones of said plurality of smart probes

responsive to one or more of: a capability of said select ones (claim #20, #38, #39 reads

on); and an availability of said select ones (C1, L18-22, CC7, L62-65); receiving said

data from said plurality of smart probes (C6, L48-65); and partially processing said data

prior to communicating said partially processed data to said central processing server (C6, L48-65).

Regarding **claim 11**. Moran teaches the monitoring system of claim 1, and further teaches wherein said plurality of smart probes are wireless (Abstract).

Regarding **claim 12**. Moran teaches the monitoring system of claim 11, and further teaches wherein said plurality of wireless smart probes are each located on a mobile platform (C2, L1-15).

Regarding **claims 13 and 24**. Moran teaches a method for monitoring a measurement system comprising: issuing an experiment from a central server to a plurality of intermediate monitoring stations (Fig. #13, C15, L45-67); transmitting said experiment to a plurality of smart probes (Fig. #13, C15, L45-67); determining at said plurality of smart probes a set of tasks for completing said experiment (C16, L1-17); performing said set of tasks; and transmitting data resulting from said performing step to said central server (Fig. #13, C16, L1-17).

Regarding **claims 14 and 25**. Moran teaches the method of claim 13, and further teaches comprising: determining at said plurality of smart probes an availability to perform said set of tasks (C6, L48-64, C7, 58-65); and determining at said plurality of smart probes a capability of performing each of said set of tasks (claim #20, #38, #39 reads on).

Regarding **claims 15 and 26**. Moran teaches the method of claim 14, and further teaches comprising: generating a random participation number at said plurality of smart probes (; comparing said random participation number to a participation threshold; and

determining a participation state of said plurality of smart probes responsive to said comparing.

Regarding **claims 16 and 27**. Moran teaches the method of claim 15, and further teaches wherein said participation threshold is weighted according to one or more of (Fig. 7, C14, L9-21, claim #5): a number of said plurality of smart probes performing one or more of said set of tasks (Fig. 7, C14, L9-21, claim #5); and an importance attributable to said one or more of said set of tasks (Fig. 7, C14, L9-21, claim #5).

Regarding **claims 17 and 28**. Moran teaches the method of claim 13, and further teaches wherein said experiment relates to conditions existing in select portions of said measurement system (C4, L35-40, CC5, L45-50).

Regarding **claims 18 and 29**. Moran teaches the method of claim 17, and further teaches wherein said transmitting step comprises: ascertaining ones of said plurality of smart probes located within a predetermined distance from said select portions of said measurement system (C4, L29-50); and communicating said experiment to said ascertained ones of said plurality of smart probes (C15, 45-69, C16, L10-17, C15, L15-30).

Regarding **claims 19 and 30**. Moran teaches the method of claim 18, and further teaches wherein said ascertaining is performed by said plurality of intermediate monitoring stations (Abstract, C1, L55-60, C15, L15-30).

Regarding **claims 20 and 31**. Moran teaches the method of claim 13, and further teaches comprising: processing into said data, at said plurality of smart probes, measurements taken in said performing said set of tasks (C1, L54-67, C15, L15-30).

Regarding **claims 21 and 32**. Moran teaches the method of claim 13, further comprising: processing into said data, at said plurality of intermediate monitoring stations, information received from said plurality of smart probes (Abstract, claim #38).

Regarding **claims 22 and 33**. Moran teaches the method of claim 13 further comprising: exchanging information related to said experiment between said plurality of smart probes (C15, 45-69, C16, L10-17).

Regarding **claims 23 and 34**. Moran teaches the method of claim 13 further comprising: communicating between said plurality of smart probes to divide performance of selected tasks of said set of tasks between selected smart probes of said plurality (C1, L54-67, C5, 1-16, C15, L15-30).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moran US 6,757,543

Moran US 2002/0177448

Doty US 6,898,186

Okanoue US 2003/0064733

Nevin US 2004/0203928

Fiut US 2003/0162539

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael Vu whose telephone number is (571) 272-8131.
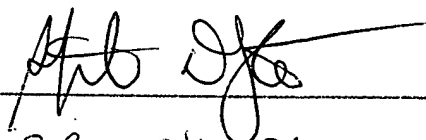
The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Trost can be reached on 571-272-7872. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Michael T. Vu